

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING**

**MARK MCEVOY, et al., individually and  
on behalf of a proposed class,**

**Plaintiffs,**

**v.**

**DIVERSIFIED ENERGY COMPANY  
PLC, et al.,**

**Defendants.**

**CIVIL ACTION NO.: 5:22CV171  
(BAILEY)**

**ORDER GRANTING PLAINTIFFS' MOTION [115] TO COMPEL**

Currently pending before the Court is Plaintiffs' Motion [115] to Compel Production of Documents from EQT, filed January 27, 2023. Briefing is complete, and an Oral Argument/Evidentiary Hearing was held on February 21, 2023. According to the parties, the substantive discovery issues have been resolved by the parties, and the sole issue before the Court is whether EQT must produce the responsive discovery materials now, or whether they may await the decisions of the District Court with respect to EQT's Motion [99] to Disqualify Counsel, EQT's Second Motion [106] to Disqualify Counsel, and EQT's Motion [112] for Protection from Discovery.

On February 22, 2023, the District Court denied all three of the above-mentioned Motions. *See* ECF Nos. 155 and 156. Accordingly, EQT's arguments in favor of waiting to produce responsive discovery are moot. Plaintiffs' Motion [115] to Compel is therefore **GRANTED**. EQT

shall provide responsive discovery within **thirty (30) days of the date of this Order**, as requested by Plaintiffs.<sup>1</sup>

It is so **ORDERED**.

Any party may, within **FOURTEEN DAYS** of this Order, file with the Clerk of the Court written objections identifying the portions of the Order to which objection is made, and the basis for such objection. A copy of such objections should also be submitted to the District Court Judge of Record. Failure to timely file objections to the Order set forth above will result in a waiver of the right to appeal from a judgment of this Court based upon such an Order.

The Court **DIRECTS** the Clerk of the Court to serve a copy of this Order upon any *pro se* party by certified mail, return receipt requested, and upon counsel of record herein.

Dated: 2/23/2023

/s/ James P. Mazzone  
JAMES P. MAZZONE  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> The parties may amend this deadline by stipulation if the parties so choose, provided that any such amendment and/or stipulation complies with the District Court's Scheduling Order (ECF No. 70), and any other applicable Order of Court.